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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1237th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 August 1997, at 10 a.m.

Chairman: Mr. BANTON

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Sixth to eleventh periodic reports of Burkina Faso (continued)

Review of the implementation of the Convention in States parties whose reports are excessively overdue (continued)

Suriname

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1237/Add.1.

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The public part of the meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Sixth to eleventh periodic reports of Burkina Faso (continued) (CERD/C/279/Add.2, HRI/CORE/1/Add.30)

1. At the invitation of the Chairman, the members of the delegation of Burkina Faso resumed their places at the Committee table.

2. Mr. SOMDA (Burkina Faso) said that not all his answers to the Committee's questions would be very detailed for the time being as some information, such as statistics and assessment reports, was not yet available; it would, however, be included in the next report. In Burkina Faso the ground was still being laid for the implementation of human rights conventions, which meant that assessment of progress in that area would be available only in subsequent reports. Further, the country was in a transition phase insofar as it had instituted the rule of law and its first legislature, which had adopted laws, but their implementation had still to be evaluated. Steps had been taken in certain areas, such as education, and the next report would focus on results in that and other specific areas in which legislative measures had been adopted.

3. In reply to the request for a demographic breakdown, he acknowledged that the data provided in the present report had been carried over from the previous report submitted in 1984. Nevertheless, the Government's policy was to promote a multiracial society in which the 60 or so different ethnic groups could enjoy their freedom, under article 7 of the Constitution, to practise their customs. To that end, a National Week of Culture in which all the various communities participated had been instituted as a means of interaction and blending of cultures. Regional fairs were also organized in an effort to promote understanding between the various ethnic groups in each region.

4. On the whole, Burkina Faso had not experienced many problems of racial discrimination thus far and the concept of racial superiority was not part of the national psyche. The differences between ethnic groups were easily overcome and a common bond found by means of a social practice known as parenté à plaisanteries, which was based on acceptance and mutual respect demonstrated through a give-and-take of pleasantries and good-natured jest.

5. Demographic data available from a census conducted in early 1997, to be further updated in the next report, showed that the population was composed of, inter alia, 48 per cent Mossi, 7 per cent Lobi-Dagara, 6.9 per cent Mande, 6.7 per cent Bobo, 5.4 per cent Senufo, 5.3 per cent Grunshi, 4.7 per cent Bissa, 4.5 per cent Gourmanché.

6. Likewise, the information on religious affiliation had been carried forward from the previous report. Subject to correction in the next report, the breakdown was 67.8 per cent animists, 27.5 per cent Muslims, 3.7 per cent Catholic, 0.1 per cent Protestant. There was a tradition of tolerance between the various groups and no segregation between them. Religious festivals were celebrated by entire communities without distinction as to faith. Christmas

and Ramadan, for example, were celebrated by all - practices which the Government was keen on preserving because they were a means to combat intolerance and discrimination.

7. Turning to the question of national languages, he said that programmes, such as "operation Zanu", were under way to promote national languages as well as literacy and numeracy in such languages. The electronic media were among the means used to teach people how to read, write and count in their local languages and all national languages were given air time on radio, for example through a programme entitled "l'arbre a palabre", during which tales were told in all the languages. There would be more television programmes in national languages as more and more languages were phonetically transcribed.

8. With respect to the provisions of article 4 of the Convention, he said that it had not been considered necessary by legislators to provide for specific legal provisions to deal with possible violations because the inhabitants of the country did not entertain notions of ethnic superiority. However, in keeping with the principle of equality between citizens, the Constitution proscribed all forms of discrimination as well as associations which advocated such practices. He addressed specifically the question posed about the Council of Ministers, recalling the rule of law and the separation of powers in Burkina Faso, pursuant to which the Council was no longer authorized to dissolve associations. Such powers had devolved to the Ministry of Territorial Administration and there was a law which regulated the establishment of associations and by the same token proscribed the creation of associations which practised discrimination.

9. There were recognized associations formed by and for foreigners, for example on the university campus. In such cases, the Ministry of Territorial Administration sought the advice of the Ministry of Foreign Affairs and to that extent conformity with international conventions was duly assured. Specifically on the question of the expulsion of two students in December 1996, he said that at the time there had been a serious crisis on the campus which had in fact subsequently been resolved through the good offices of the Mediator. The case was to be seen in context. There were large numbers of foreign students in the country, particularly from neighbouring countries, each nationality being represented by an association in accordance with the Act on freedom of association. There were also many refugees from Central Africa. Disturbances of the kind caused by the students in question, especially when they were based on ethnic considerations, echoing certain attitudes existent in the students' countries of origin, were unacceptable. The two students had been charged with breach of the peace and deported. By the same token, any organization which disseminated propaganda promoting ethnic or any other kind of division would be disbanded and the perpetrators brought to book.

10. It was not yet possible to give an assessment of the performance of recently established institutions, like the Office of the Mediator, and the implementation of the new Criminal Code, which had been adopted after the submission of the report. Similarly, no statistics were yet available on cases of racial discrimination brought before the courts but he pointed out that in the history of the country such cases were rare, and disputes were usually resolved through the parenté à plaisanteries system.

11. Exiles were free to return to Burkina Faso now that the political and other reasons which had prompted them to leave no longer existed. More had returned as recently as June 1997 and he cited the case of the former legal adviser to the late President, Thomas Sankara, who was about to be admitted to the Bar. Those who remained outside the country did so voluntarily. Freedom of expression and opinion were guaranteed, there were no political prisoners and no one could rightly claim that the authorities hindered their return to Burkina Faso.

12. Turning to the question of refugees, he said that there was tripartite communication between the Government of Burkina Faso, the Government of Mali and the Office of the United Nations High Commissioner for Refugees (UNHCR). A programme for the voluntary return of the refugees was under way and a permanent secretariat had been created within the Ministry of Foreign Affairs, which took part in the processing of refugees of all origins and the granting of refugee status in observance of international norms in consultation with UNHCR.

13. Regarding the Malian refugees in particular, there were at least 50,000 of them, who were now returning voluntarily with the assistance of UNHCR. There was ongoing dialogue with them and they were being encouraged to return. Field visits were also organized to further dialogue between the refugees and all the other parties concerned.

14. Responding to the question about representation of ethnic minorities within the Government, he said that the multi-party system had given way since 1995-1996 to a series of mergers between the various parties. The party now in power, composed only of members of the Congrès pour la Democratie et le Progrès (CDP), was in fact a coalition, as were the other main political parties represented in the Assembly. Representation of a wide cross-section of the population was thus assured. Moreover, the parties, like the ethnic groups, had countrywide presence, which was the key to their success, so there were no political strongholds to speak of.

15. Marriage was regulated by the Personal and Family Code, under which men had to be over 20 and women over 17 years of age before they could marry. Exemptions from that provision could be granted by the civil courts in response to petitions on serious grounds, but were not available to men under 18 and women under 15 years of age. Minors wishing to marry needed the consent of their parents or guardians.

16. Customary chiefs were taken into consideration in the State's endeavour to build a stable society. Their power and authority were valuable in the State's nation-building efforts and were once again fully recognized. Parliament consisted of two chambers, the elected National Assembly and the Chamber of Representatives, which comprised representatives of all sectors of civil society, including traditional chiefs, NGOs and religious groups. Their opinion was sought on bills tabled in the Assembly.

17. Human rights groups were allowed to carry out their activities freely and their advice was sought on some legal provisions. With a view to implementing international human rights instruments, the Government had organized meetings with the human rights organizations and taken their advice and opinions into account in their decision-making.

18. In answer to a query about the closing of trade unions and dismissal of trade unionists, he said that whenever there was a social crisis, all members of society were called upon to play their part in solving the crisis. The Government had withdrawn the decision in question, without making any arrests, and had since renewed dialogue and established a timetable for negotiations with the trade unions. It was hoped that the dialogue would bear fruit soon.

19. In conclusion, he said that Burkina Faso needed the support of the international community and human rights NGOs in its ongoing process of implementation and evaluation with a view to building a society that offered a better way of life. Fortunately, the subregion of which Burkina Faso was a part was acknowledged as socially stable compared to other regions. He hoped that the dialogue with the Committee would continue so that the Committee would be apprised of Burkina Faso's efforts and be able to contribute to them.

20. Mrs. SADIQ ALI asked what was being done to teach in the various dialects. If the dialects were transcribed, which alphabet was used and which programmes, if any, were under way to transcribe the dialects and teach them to the children.

21. Mr. SOMDA (Burkina Faso) recalled his earlier reference to the policy of transcribing the different languages. Thus far, there were alphabets for the Dagara, Fulfuldé, Moré and Gourmanche languages. The French language had been used as the basis at the outset of the transcription process. The Catholic clergy had facilitated the transcription work, as had the Koranic schools. The focus was on building literacy through education in the local languages and to that end there was a policy in place to transcribe all the languages in collaboration with UNESCO and the university. French, however, was still the official language. Once transcribed, the languages would be the medium for television programmes to enable people to follow the lessons in their respective languages based on their own alphabets. He would be happy to provide more information on the programme in the next report.

22. Mr. DIACONU welcomed the responses to the Committee's questions and Burkina Faso's commitment to further dialogue with the Committee. The Committee's role was to provide every support to States parties in the uniform and universal implementation of the Convention and, in the specific case of Burkina Faso, help it to build a multicultural society free from racial discrimination, which the Government seemed set to achieve.

23. Very important laws had been adopted by the Government of Burkina Faso and it was time to review them, remove any loopholes, supplement them and ensure their full conformity with human rights instruments. He stressed the binding nature of article 4 which required States parties to adopt specific laws designed to prohibit the acts described in the article and punish the perpetrators. Article 4 had a preventive role and was aimed at both groups and individuals. Even if there were no manifest trends of racist propaganda or racial discrimination, the Convention required that laws should be adopted because the implementation of article 4 was not automatic.

24. He requested clarification of the provisions of the 1992 law on associations. What were the actual provisions in the law to prevent associations with discriminatory practices and what steps were taken by the authorities to prohibit them?

25. What was now needed was to pursue the implementation of existing legislation and to ensure the proper functioning of the judicial, legislative and executive institutions in order to ensure that the laws were effectively implemented.

26. He welcomed the parenté à plaisanteries practice as a basis for friendly dialogue but invited the delegation to draw a distinction between pleasantries and discrimination and ethnic intolerance.

27. He looked forward to the next report which he hoped would be comprehensive and submitted on time.

28. The CHAIRMAN reiterated the satisfaction expressed by other members of the Committee concerning the resumption of dialogue with the State party and the Committee's pleasure in receiving encouraging news of the State's activities in implementing its human rights obligations.

29. The delegation of Burkina Faso withdrew.

Review of the implementation of the Convention in States parties whose reports are excessively overdue

Suriname

30. Mr. de GOUTTES (Country Rapporteur) reminded the Committee that Suriname was one of the States parties that had never submitted a report since its ratification of the Convention. Its initial report had been due in 1985; the second to eighth periodic reports had been expected in 1997. Given the situation, which was probably due to internal difficulties and political crises, he suggested that the Committee should simply take note of the situation, recall the obligations of the State party under article 9 of the Convention and invite it to submit a complete report as soon as possible. The Committee could also invite the Government to request the assistance of the advisory services of the Centre for Human Rights in preparing its report.

31. He gave a brief overview of developments in Suriname, which had had difficult beginnings since independence in 1975, including military coups d'état and civil war. The present process of democratization dated to 1991. Colonel Bouterse, former Commander-in-Chief of the armed forces, who had been a symbol of the difficult relations between civilians and the military, had been designated "First Member of the State Council"; however, an international arrest warrant had recently been issued against him in the Netherlands for drug trafficking.

32. The national economy was dominated by bauxite mining and production, which for several years had meant dependence and vulnerability, due to the decline in worldwide demand.

33. Suriname had 455,000 inhabitants, in addition to 300,000 nationals exiled in the Netherlands. Of the 455,000, 37 per cent were of Indian origin; 35 per cent Creoles (Blacks living in the cities); 15 per cent Javanese; and 10 per cent Amerindians and Bushnegroes (Blacks living in the forests). Of particular note was the existence of ethnic parties, which constituted the

country's traditional political class: there were one Indonesian party, one Creole party, one Indian party and one party composed largely of Javanese. Also noteworthy was the presence of a sizeable Indonesian community, which ranked third in number after the black and Indian communities, compelling the Government to develop its relations with Indonesia. Finally, it should be noted that the population was 20 per cent Muslim, which had led Suriname to be admitted as the fifty-fourth member of the Organization of the Islamic Conference (OIC) and to be eligible for loans from the Islamic Development Bank.

34. According to the 1997 report of Amnesty International, in December 1995 the National Assembly had adopted a resolution calling on the Government to open an investigation into extrajudicial executions carried out in December 1982 and other human rights violations committed by Bouterse's army. However, that resolution did not seem to have been followed up.

35. The principal subjects of concern for the Committee were set forth in the 1995 report of the Committee on Economic, Social and Cultural Rights (E/1996/22/EC/1995/18) as well as in the reports of the United States Department of State. The Committee on Economic, Social and Cultural Rights report cited certain encouraging aspects of developments in Suriname, including the creation of a National Institution for Human Rights, constitutional recognition of the principle of equality for all, the prohibition of all racial, ethnic and religious discrimination, accession to the various international human rights instruments and the establishment in 1995 of an Advisory Council for the Development of the Interior. Both that Committee's report and the 1996 report of the United States Department of State, however, referred to the persistence of various forms of discrimination against indigenous populations, especially the Maroons and Amerindians, who lived in remote regions of the interior, whereas the nation's political, cultural and work life was concentrated in the capital and its environs. Discrimination was manifested in political representation: only three seats in the National Assembly were held by the Maroon political party, which was part of the opposition, and there had been only one Amerindian delegate to the Assembly since 1996; neither group was represented in the Cabinet.

36. Both groups also had a low rate of participation in decision-making concerning their lands and natural resources. In May 1996, the World Council of Churches had condemned the mining activities of two Canadian companies, accusing them of violating the human rights of indigenous persons living in the mining zones. Maroon and Amerindian organizations had complained of being chased off their traditional farmlands by mining companies. Initiatives had been taken by the Minister of Natural Resources, the Organization of American States (OAS) and Maroon and Amerindian cooperation groups to strengthen indigenous rights, but they did not yet seem to have been fully implemented by the Government.

37. The Committee on Economic, Social and Cultural Rights had deplored the persistence of discrimination in education, culture and language. Education was provided only in Dutch, the official language of Suriname. That Committee had regretted that the Government had not made sufficient efforts to promote Sranan Tongo, the language spoken by most Surinamese, or to preserve indigenous languages. In view of the prolonged economic crisis and

unemployment, the Committee on Economic, Social and Cultural Rights had called on the authorities to increase social aid, without discrimination, for the poorest segments of the population, indigenous populations in the interior, and persons displaced by the recent internal armed conflict. The Committee might wish to endorse those concerns and recommendations and invite the Government to submit its report without delay.

38. Mr. van BOVEN said the situation of the Suriname report was particularly disturbing, as the Committee had not commenced a dialogue with the State party or even received an initial report. The principles and provisions of the Convention were of special relevance to the situation in Suriname. Its very mixed ethnic composition led to an unequal distribution of resources, depending on who was in power, and to unequal access to public office.

39. The Committee should make an urgent appeal, relying on information received from other United Nations bodies, where relevant. It was an instance in which the Committee must point out clearly that the United Nations should offer advisory services and technical assistance. The Committee should also set a time limit, stating that it would review the situation in 1998 or 1999.

40. Mr. ABOUL-NASR asked whether the Committee would examine the situation of every State party that had not submitted a report in the same manner as it was considering Suriname. The United States, for example, had submitted a report on Suriname through its Department of State, and yet it had never provided the Committee with its own report. That was a double standard. Would the Committee state in its report to the General Assembly that it had examined the situation in a State party without a report?

41. The CHAIRMAN said he understood the Committee's position to be that any State party that had not submitted its initial report within five years would come within the scope of the present procedure, which had been commended by the General Assembly in its resolution 51/80 of 1996. The Committee would indeed be reporting on the present discussion in its report to the Assembly. If it were to be said that the State party had been unable to report hitherto because of internal difficulties, it could equally be said in reverse that those difficulties had arisen in part because the State had not been attending sufficiently to the principles expressed in the Convention.

42. Mr. SHERIFIS said that if the Committee met at Headquarters once in a while, concentrating on the reports of small countries represented in New York but not in Geneva, the situation would be helped considerably. Suriname had a very active mission in New York, where its Permanent Representative was the Chairman of the Latin American Group and would undoubtedly be willing to appear before the Committee and to establish some dialogue. Guyana was another small country with an extremely active delegation in New York. The Committee could ask Mr. Valencia Rodriguez to talk to the Permanent Representative of Suriname in New York during the meetings of the Third Committee of the General Assembly and at the January 1998 meeting of States parties to the Convention.

43. Mr. VALENCIA RODRIGUEZ said that when the Committee had last considered Suriname, its decision to consider the situation on the basis of United Nations documents had been communicated to the General Assembly in its

report, and the Assembly had accepted the procedure. Both Suriname and Guyana had many internal problems and economic, social and cultural difficulties. If the Committee met at least once in New York, its presence would be more visible and effective vis-à-vis those countries without representation in Geneva.

44. The CHAIRMAN suggested that the Committee should request Suriname to submit its report within the next 12 months, so that it could be considered at the Committee's session in March 1999.

45. Mr. ABOUL-NASR suggested that Mr. Valencia Rodriguez should be requested to raise the question of a session in New York at the next meeting of States parties, as he had done in the past before the Third Committee of the General Assembly. Furthermore, the Chairman could include in the letter transmitting the Committee's report to the General Assembly a reference to article 10 of the Convention, which stated that meetings of the Committee should normally be held at United Nations Headquarters, and to the problems which the Committee had in maintaining contacts with States parties which had no representatives in Geneva. The letter should also state that Mr. Valencia Rodriguez would represent the Committee at the meeting, should he confirm his willingness to do so.

46. The CHAIRMAN said that those concerns would be taken into account in the letter of transmittal. Furthermore, the Committee's schedule included time for discussion of a message to the forthcoming seventeenth meeting of States parties, a preliminary draft of which was contained in document CERD/C/51/Misc.2. Should the Committee decide to send such a message, the content of the message might also reflect those considerations.

47. Mr. VALENCIA RODRIGUEZ said that he would be honoured to put forward the Committee's views, both at the meeting of States parties and at the meetings of the Third Committee of the General Assembly.

48. Mr. van BOVEN suggested that the letter to the Government of Suriname and the Committee's report should invite the Government to make use of the advisory services and technical assistance available from the Centre for Human Rights.

49. Mr. GARVALOV said that the Committee should make a fresh appeal to those States parties which had not yet submitted their initial reports, either in the letter transmitting the Committee's report, or in separate letters to the Secretary-General and the new High Commissioner for Human Rights. States parties' non-compliance with their reporting obligations was a major problem for the Committee. After all, States had acceded to the Convention of their own free will, without any pressure being exerted on them.

50. Mr. de GOUTTES supported the proposal to ask Mr. Valencia Rodriguez to represent the Committee and thanked him for accepting. He agreed that the letter of transmittal should include a more general recommendation concerning States parties which had not yet submitted their initial reports.

51. Mr. AHMADU suggested that a copy of the letter should also be sent to Mr. Ferrero Costa, so that he could use his influence with his fellow foreign ministers.

52. Mr. de GOUTTES (Country Rapporteur) suggested that the Committee's letter to the Government of Suriname should make the following points. The Committee regretted the absence of Suriname's initial report, but conceded that the country's internal problems and political crises were a valid explanation. Nevertheless, the multi-ethnic nature of the Suriname population and the presence of indigenous groups made it very important for Suriname to implement the Convention fully. The Committee should call for Suriname's report, consisting of the initial report and the eight periodic reports due since Suriname's accession to the Convention, to be submitted as soon as possible, preferably in time for the Committee to consider it at its session in March 1999. The advisory services and technical assistance of the Centre for Human Rights were at Suriname's disposal.

The public part of the meeting rose at 11.45 a.m.